

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

**AMAZON.COM, INC.'S RESPONSE
TO PLAINTIFF'S MOTION TO
TEMPORARILY SEAL
PLAINTIFF'S AMENDED
COMPLAINT**

**NOTED ON MOTION CALENDAR:
October 6, 2023**

The parties agree that: (1) the Amended Complaint should be sealed while the Court considers Amazon's pending Motion to Seal (Dkt. 41); and (2) the FTC's redactions in the publicly filed Amended Complaint apply to the same information Amazon seeks to protect in its Motion to Seal regarding the original Complaint. *See* Dkt. 68 at 1 ("The only proposed redactions to the Amended Complaint apply to the same information Amazon sought to protect in its Motion to Seal (Dkt. #41)."). The parties also agree that the Court's ruling on Amazon's Motion to Seal with regard to the Complaint allegations should apply equally to the same allegations contained in the Amended Complaint. *See* Dkt. 68 at 2 ("The FTC also respectfully requests the Court's permission, after the Court rules on Amazon's Motion to Seal (Dkt. #41), to file a public version of the Amended Complaint that unredacts information the Court has determined should not remain sealed.").

1 Amazon files this response to assist the Court in locating this confidential information,
2 which in most instances occurs in different parts of the Amended Complaint than in the original
3 Complaint. To that end, Amazon attaches to this Response:

- 4 • Exhibit 1: Which identifies the specific allegations in the Amended Complaint
5 that Amazon has already moved to permanently seal, to supplement the Appendix
6 at Dkt. 41–1; and
- 7 • Exhibit 2 (filed under seal): Which highlights the specific allegations in the
8 Amended Complaint that Amazon has already moved to permanently seal, to
9 supplement Exhibit A contained in Dkt. 44.

10 As required by Local Civil Rule 5(g)(3)(A), counsel for the parties conferred by email
11 and videoconference on July 14 and 17, 2023, respectively, in attempt to reach agreement on the
12 need to file under seal, among other things, the information in Exhibits 1 and 2 to this Response
13 as described more fully in the Declaration of Laura Flahive Wu in Support of Defendant's
14 Motion to Seal (Dkt. 43 ¶ 50).

15 For the reasons discussed in Amazon's Motion to Seal and above, Amazon respectfully
16 requests that the Court enter the attached Amended [Proposed] Order Granting Motion to Seal
17 Commercially Sensitive and Irrelevant Information, which is substantively the same form
18 Amazon submitted with its Motion to Seal plus the additional highlighted entries for the
19 Amended Complaint and Exhibit 2 attached to this Response.

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1 DATED this 2nd day of October, 2023.

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3 I certify that this memorandum contains 382 words, in compliance with the Local Civil
4 Rules.

5
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